



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2024/066

Order No.: 5 (GVA/2025)

Date: 10 February 2025

Original: English

Before: Judge Francesco Buffa

Registry: Geneva

Registrar: Liliana López Bello

AKHTAB

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Jan Schrankel, UNHCR

Marietta Hristovski, UNHCR

Introduction

1. The Applicant, a former Assistant Child Protection Officer with the United Nations High Commissioner for Refugees (“UNHCR”), filed an application contesting a decision to close her complaint of abuse of authority, mistreatment and retaliation against three of her former supervisors.

Factual and procedural background

2. By email dated 18 September 2023, UNHCR sent to the Applicant a letter dated 1 September 2023, notifying her of the intention to discontinue her position effective 1 January 2024.

3. On 4 December 2023, the Applicant filed a complaint with the Inspector General’s Office (“IGO”) of UNHCR, alleging mistreatment and abuse of authority by her former supervisors, namely Ms. JR, Ms. HP and Mr. JP.

4. In her complaint, the Applicant further indicated that she strongly felt that the decision to discontinue her position was tainted by bias and ill-motive; and was retaliatory and an abuse of power/authority by the three named supervisors.

5. The Applicant separated from UNHCR on 31 December 2023.

6. On 23 March 2024, the Applicant filed an application seeking a reversal of the decision to discontinue her position. The case was registered as UNDT/GVA/2024/009 and is pending.

7. On 11 June 2024, the IGO informed the Applicant of its decision of not undertaking an investigation in respect of her complaint filed on 4 December 2023 (the contested decision). The IGO stated:

Thank you for reaching out to the IGO and sharing your concerns. Your complaint has been given due consideration and is closed in accordance with paragraph 47 (b) of the Administrative Instruction on Conducting Investigations in UNHCR (UNHCR/AI/2019/15). That is to say, the preliminary assessment concluded that the matter does not meet the *prima facie* threshold of constituting potential misconduct.

8. On 8 August 2024, the Applicant requested management evaluation of the contested decision.
9. On 28 August 2024, the Deputy High Commissioner issued the decision and upheld the contested decision.
10. On 24 November 2024, the Applicant filed the present application.
11. On 20 December 2024, the Respondent filed his reply.
12. On 1 February 2025, the present case was assigned to the undersigned Judge, for his deployment starting on the same day.

Considerations

13. Following an examination of the parties' submissions and pursuant to art. 16 of its Rules of Procedure, the Tribunal invites the parties to express their views on the evidence to be collected in this case, and in particular if they deem it useful or necessary to have a hearing on the merits. In the positive, the Tribunal invites the parties to identify their potential witnesses and to indicate in details -for each of them- the facts to be demonstrated.
14. The Tribunal informs the parties that the potential hearing could be tentatively set at the Geneva Courtroom in the timeframe of 28 March to 15 April 2025. For the scheduling of the hearing, the parties are instructed to inform the Tribunal also about the availability of their witnesses and about their attendance at the hearing (by them and by their witnesses) in person or remotely.
15. No case management discussion will be held orally, but the parties are allowed to produce additional documents, to request in writing additional evidence on specific facts to be evaluated, and to comment on the evidence requested by the counterparty, if any.
16. The Tribunal will assess the relevance of the testimonies, if any, for the determination of the merits of the case, and reserves the right not to call some of

the proposed witnesses if, after having heard the parties' comments, it deems that testimonies are not relevant.

Conclusion

17. In view of the foregoing, it is ORDERED THAT:

a. **By Tuesday, 18 February 2025** (Geneva COB time):

i. The parties shall provide the Tribunal with their requests and observations on evidence, if any, as specified in paras. 13 to 14 above; and

ii. The parties may submit all the documents they find relevant for the case, with the warning that other production of documents after 18 February 2025 is barred, except if a late production could be exceptionally justified.

b. **By Friday, 21 February 2025** (Geneva COB time), the parties will file their comments on the counterparty's requests, if any, and observations on evidence.

(Signed)

Judge Francesco Buffa

Dated this 10th day of February 2025

Entered in the Register on this 10th day of February 2025

(Signed)

Liliana López Bello, Registrar, Geneva